

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE: Douglas R. Quaine,

Case No. 08-62283

Chapter 13

Hon. Phillip J. Shefferly

Debtor.

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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES Wells Fargo Financial Michigan, Inc., successor by merger to Wells Fargo Financial Acceptance Michigan, Inc., its successors and assigns by its attorneys, Fabrizio & Brook, P.C., and for its Motion for Relief from Automatic Stay states as follows:

1. Wells Fargo holds a perfected security interest in a 2002 GMC Sierra, VIN# 2GTEC19T421288841. A copy of the proposed order is attached hereto as **Exhibit A**. A copy of the Title is attached hereto as **Exhibit B**.
2. The payoff on the debtor's account as of August 31, 2009, including late fees and miscellaneous charges, was \$6,260.09.
3. The fair market retail value of the vehicle is approximately equal to the payoff on the account.
4. Debtor is not current in his payments to the Trustee.
5. Payments to Trustee are past due in the amount of \$8,664.00 as of September 1, 2009.
6. Pursuant to L.B.R. 9014-1(g), concurrence of relief was sought on September 1, 2009 and the debtor's attorney was not available for a response.
7. Pursuant to L.B.R. 9013-5, a Statement of Corporate Ownership is attached hereto as **Exhibit C**.
8. Debtor has failed to provide proof of insurance and to the best of the Creditor's knowledge collateral is not insured as required by the contract between the parties.
9. Due to the fact that there is no insurance, execution should take place immediately, notwithstanding Rule 4001 (a)(3).
10. Wells Fargo's collateral position in the debtor's vehicle is being eroded and Wells Fargo is being denied Adequate Protection of its interest in the vehicle which debtor is continuing to use and which is depreciating in value.
11. Upon reasonable investigation, there are no other parties claiming an interest in the vehicle.

WHEREFORE, Wells Fargo requests that an Order to Lift Stay be entered to permit it to retake possession and sell the aforesaid vehicle.

Dated: September 2, 2009

Respectfully Submitted,
FABRIZIO & BROOK, P.C.

/s/ Rose Marie Brook
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